

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 30, 2008

PRESENT: Mayor Reed, Vice Mayor Cortese, Councilmembers Constant and Chirco

ABSENT: None

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Director Harry Mavrogenes, Redevelopment Assistant Director Gary Miskimon, Agenda Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco, Deputy City Clerk Michelle Radcliffe and Deputy City Clerk Nora Pimentel

A. City Council

1. Review February 5, 2008 Final Agenda

Action: The Committee approved the February 5, 2008 Council Agenda with the following additions:

- Presentation of commendation to Margaret Gregg. (Mayor/Housing)

2. Review of February 12, 2008 Draft Agenda

Action: The Committee approved the following addition to the February 12, 2008 Draft Agenda:

- Report on the Neighborhood Association Priority Setting Session and the Telephone Community Survey. (Mayor)
- Mayor's Budget Shortfall Advisory Group Recommendations. (Mayor)
- City Auditor Compensation Package and Employment Agreement. (Mayor)
- HP Funds allocated for constituent outreach. (City Attorney/City Clerk)

B. Redevelopment Agency

1. Review February 5, 2008 Final Agenda

None-Meeting Canceled.

2. Review February 12, 2008 Draft Agenda

Action: The Committee approved the February 12, 2008 Draft Agenda.

C. Legislative Update

Priority Ranking of the 2008 Legislative Priorities

Document Filed: Memorandum from Intergovernmental Relations Director Betsy Shotwell dated January 25, 2008 recommending acceptance of the staff report describing the criteria for ranking the City's legislative priorities for 2008.

1. State/Federal

Priority Ranking of the 2008 Legislative Priorities

Document Filed: Memorandum from Intergovernmental Relations Director Betsy Shotwell dated January 25, 2008 recommending acceptance of the staff report describing the criteria for ranking the City's legislative priorities for 2008.

Action: The Committee approved the Priorities.

2. Federal

- a. Support for Federal Housing Legislation: H.R. 3915 (Miller) – Mortgage Reform and Anti-Predatory Lending Act of 2007 if Amended, S. 2036 (Schumer) – Protecting Access to Safe Mortgages Act, and S. 2452 (Dodd) – Homeownership Preservation and Protection Act of 2007.**

Document Filed: Memorandum from Housing Director Leslye Krutko dated January 23, 2008 recommending Mayor and Council support on H.R. 3915 (Miller) if amended, S. 2036 (Schumer), and S. 2452 (Dodd) and to provide a one-week turn around for Mayor and Council review.

Action: The Committee accepted the Staff's recommended position of support and referred the matter to the City Council agenda of February 5, 2008.

D. Meeting Schedules

- 1. Approve to schedule a Priority Study Session meeting on February 15, 2008.**

Document Filed: Memorandum from Agenda Manager Nadine Nader dated January 25, 2008 recommending approval to schedule a Priority Setting Session meeting with City Council/Senior Staff on February 15, 2008 from 9:00 a.m. – 4:00 p.m.

Action: The Committee approved the meeting.

E. The Public Record

Documents Filed: Memorandum from Lee Price, City Clerk dated January 25, 2008 transmitting the Public Record for the week of January 18-24, 2008.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

- 1. Revolving Loan Fund Board Appointment**

Document Filed: Memorandum from Mayor Chuck Reed dated January 17, 2008 recommending appointment of Councilmember Nancy Pyle to the Revolving Loan Fund Board

Action: The Committee approved the appointment.

G. Rules Committee Reviews, Recommendations and Approvals

1. Council Policy on Labor Negotiation Guidelines

Document Filed: Draft Council Policy entitled Council Labor Negotiation Guidelines

City Attorney Rick Doyle provided an overview of the draft policy and responded to questions.

Public Speakers: Greg Jobe and Nancy Ostrowski from the Association of Engineers and Architects, and Linda Dittes from AFSCME/MEF spoke in opposition to the guidelines, as proposed.

Action: The Committee directed the City Attorney to amend the draft policy by striking #4 and revised #5 and 6 and provide it to the unions for review; and referred the policy to the City Council agenda for March 4, 2008.

2. Firefighting Breathing Air Replenishment System – Developer Request for Indemnity

Document Filed: Memorandum from City Attorney Rick Doyle dated January 25, 2008 addressing a request made by a developer that the City defend and indemnify it in the event that a patent infringement claim is filed as a result of a developer's installation of a design-build firefighter air replenish system.

Discussion was held on the current status of the developer's request for indemnity regarding a firefighter breathing air replenishment system. Fire Marshall Dave Schoonover stated that the Fire Department is doing outreach to determine what practices are being done in other cities around the country. Councilmember Constant expressed concern regarding the patent issues surrounding the system and suggested that the City Attorney's Office continue to research patent issues prior to Council making a decision.

Action: The Committee directed staff to research and investigate patent issues regarding the firefighter breathing air replenishment system, seek partnership opportunities with other jurisdictions, and obtain outside counsel to assist with the patent matters.

3. Mexican Heritage Plaza Consultant Assessment Presentation

Documents Filed: 1) Memorandum from Economic Developer Paul Krutko dated January 24, 2008 recommending approval of staff reports and direction on the Mexican Heritage Plaza; 2) Mexican Heritage Draft Assessment dated January 8, 2008 entitled "Assessment of Optimal Uses and Sustainability of the Mexican Heritage Plaza" submitted by Tom Borup with Community and Cultural Development; 3) Draft Analysis of the Operations and Maintenance Agreement between the City of San José and the Mexican Heritage Corporation dated January 10, 2008 submitted by Strategic Philanthropy Advisors, LLC; and 4) Mexican Heritage Corporations Response to Consultant's Report dated January 16, 2008.

City Manager Deb Figone provided an overview of the staff report regarding the Mexican Heritage Plaza Consultant Assessment. Consultant Mirabel Alvarez summarized the assessment of the optimal uses of the Mexican Heritage Plaza. Dan Balisteros from the Mexican Heritage Corporation presented a response to the consultant's assessment. Vice Mayor Cortese asked questions regarding the Plaza's ability to hold several different functions simultaneously and suggested that staff look at City Hall as a model for maximum use of the Plaza. Councilmember Constant questioned the definition of "operating and maintenance costs" and suggested that certain items not be included in the definition, for example monthly telephone bills. Councilmember Chirco stated that the Mexican Heritage Plaza should focus on the community that it was originally for and stated that the City partners should be treated consistently with regards to subsidization.

Public Comment: The following people spoke in favor of having Mexican Heritage Corporation run the Mexican Heritage Plaza: Tim Luce, General Manager of the Marquez Brothers; Leon Beauchman of the Mexican Heritage Corporation Board; Armon Holcomb, District Manager of Target Stores; Bruce Labadie; and Diana Verdugo.

The following people spoke in support of the Consultant's assessment: Raul Lozano, President of Teatro Vision; Elisa Morina Alvarado, Artistic Director of Teatro Vision; Chan Chrisman; Jonathon Clark; C.M. "Butch" Salazar; Fernando Lopez of Mariachi Aztlán; and Jaime Alvarado Tamara Alvarez, Executive Director of MACLA; and Teresa Alvarez, Executive Director of the Hispanic Foundation of Silicon Valley;

No action was taken.

4. Status of Consultant's work regarding the Mexican Heritage Plaza and the Mexican Heritage Corporation; and Mexican Heritage Corporation Request for Additional Funds for the Current Fiscal year

Document Filed: Memorandum from Mayor Chuck Reed and Councilmember Nora Campos dated January 25, 2008 recommending amending the City Manager's Informational Memo to include a Community Outreach Meeting to take place on February 25th at the Mexican Heritage Plaza from 5:30 p.m. to 7:30 p.m.

Discussion was held on holding a community outreach meeting regarding the Mexican Heritage Plaza.

Motion: The Committee set a community outreach meeting on February 25th from 5:30 p.m. – 7:00 p.m. at the Mexican Heritage Plaza.

H. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Request for Transportation and Environment Committee Workplan**
- None.

- I. Open Government Initiatives**
- 1. Reed Reforms**
 - 2. Sunshine Reform Task Force (SRTF)**
 - 3. Significant Public Records Act Requests**
 - 4. Council Policy Manual Update**
None.

- J. Open Forum**
None.

- K. Adjournment**
The meeting was adjourned at 4:45 p.m.

Mayor Chuck Reed
Rules and Open Government Committee